

AMENDED IN ASSEMBLY APRIL 13, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 292

Introduced by Assembly Member Maze

February 9, 2005

An act to amend Section 17021.6 of the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 292, as amended, Maze. Employee housing: agricultural workers.

Existing law requires every person operating employee housing to obtain, from the Department of Housing and Community Development or a city, county, or city and county that assumes responsibility for the enforcement of provisions regarding employee housing, a permit to operate that employee housing unless exempted from this requirement.

Existing law deems employee housing consisting of no more than 12 beds in a group quarters or 12 units or spaces designed for use by a single family or household an agricultural land use designation and, for purposes of all local ordinances, does not deem it a use that implies that the employee housing is an activity that differs in any other way from an agricultural use.

This bill would provide that, except for local health ordinances, this housing is not deemed a use that implies that it is an activity that differs in any other way from an agricultural use and would declare that the provisions governing this type of employee housing do not prohibit local officials from enforcing local health ordinances. *The bill would also authorize a county to adopt regulations for this housing including, among others, regulations regarding planning and building*

standards, water supply, sewage disposal systems, and garbage disposal systems.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17021.6 of the Health and Safety Code
2 is amended to read:

3 17021.6. (a) The owner of any employee housing who has
4 qualified or intends to qualify for a permit to operate pursuant to
5 this part may invoke this section.

6 (b) Any employee housing consisting of no more than 12 beds
7 in a group quarters or 12 units or spaces designed for use by a
8 single family or household shall be deemed an agricultural land
9 use designation for the purposes of this section. For the purpose
10 of all local ordinances, except local health ordinances, employee
11 housing shall not be deemed a use that implies that the employee
12 housing is an activity that differs in any other way from an
13 agricultural use. No conditional use permit, zoning variance, or
14 other zoning clearance shall be required of this employee housing
15 that is not required of any other agricultural activity in the same
16 zone. The permitted occupancy in employee housing in an
17 agricultural zone shall include agricultural employees who do not
18 work on the property where the employee housing is located.
19 This section does not prohibit local officials from enforcing local
20 health ordinances with respect to employee housing operated
21 pursuant to this section.

22 (c) Except as otherwise provided in this part, employee
23 housing consisting of no more than 12 beds in a group quarters or
24 12 units or spaces designed for use by a single family or
25 household shall not be subject to any business taxes, local
26 registration fees, use permit fees, or other fees to which other
27 agricultural activities in the same zone are not likewise
28 subject. This subdivision does not forbid the imposition of local
29 property taxes, fees for water services and garbage collection,
30 fees for normal inspections, local bond assessments, and other
31 fees, charges, and assessments to which other agricultural
32 activities in the same zone are likewise subject. Neither the State
33 Fire Marshal nor any local public entity shall charge any fee to

1 the owner, operator, or any resident for enforcing fire inspection
2 regulation pursuant to state law or regulation or local ordinance,
3 with respect to employee housing that serves 12 or fewer
4 persons.

5 (d) For the purposes of any contract, deed, or covenant for the
6 transfer of real property, employee housing consisting of no more
7 than 12 beds in a group quarters or 12 units or spaces designed
8 for use by a single family or household shall be considered an
9 agricultural use of property, notwithstanding any disclaimers to
10 the contrary. For purposes of this section, “employee housing”
11 includes employee housing defined in subdivision (b) of Section
12 17008, even if the housing accommodations or property are not
13 located in a rural area, as defined by Section 50101.

14 (e) (1) The Legislature hereby declares that it is the policy of
15 this state that each county and city shall permit and encourage the
16 development and use of sufficient numbers and types of
17 employee housing facilities as are commensurate with local need.
18 This section shall apply equally to any charter city, general law
19 city, county, city and county, district, and any other local public
20 entity.

21 (2) *The Legislature further declares that it is the policy of this*
22 *state in the enactment of this section to facilitate the ability of an*
23 *operating agricultural business to develop appropriate worker*
24 *housing.*

25 (f) If any owner who invokes the provisions of this section
26 fails to maintain a permit to operate pursuant to this part
27 throughout the first 10 consecutive years following the issuance
28 of the original certificate of occupancy, both of the following
29 shall occur:

30 (1) The enforcement agency shall notify the appropriate local
31 government entity.

32 (2) The public agency that has waived any taxes, fees,
33 assessments, or charges for employee housing pursuant to this
34 section may recover the amount of those taxes, fees, assessments,
35 or charges from the landowner, less 10 percent of that amount for
36 each year that a valid permit has been maintained.

37 (g) Subdivision (f) shall not apply to an owner of any
38 prospective, planned, or unfinished employee housing facility
39 who has applied to the appropriate state and local public entities

1 for a permit to construct or operate pursuant to this part prior to
2 January 1, 1996.

3 *(h) Notwithstanding subdivisions (a) to (g), inclusive, a county*
4 *may adopt regulations for housing units constructed or placed*
5 *subject to this section to accomplish all of the following:*

6 *(1) Limit the application of this section to parcels of 20 acres*
7 *or larger.*

8 *(2) Require that each unit be assigned an address for*
9 *identification purposes, to be in a conspicuous location facing*
10 *the street or driveway and in letters or numbers at least three*
11 *inches high. One large sign shall be positioned on the public*
12 *roadway at the entrance to the housing units and shall identify*
13 *all units inclusive to that location.*

14 *(3) Require that housing units located within one mile of an*
15 *existing incorporated or unincorporated community be subject to*
16 *the planning and building standards applicable to housing units*
17 *in the unincorporated area of the county.*

18 *(4) Require that the units have access to a water supply*
19 *sufficient to ensure the quality and quantity of potable and*
20 *nonpotable water necessary for the use by the occupants of the*
21 *units.*

22 *(5) Establish water supply and sewage disposal standards as*
23 *may be necessary to provide for health and safety.*

24 *(6) Require the availability of adequate water capacity for fire*
25 *supression or require the use of other means of fire suppression,*
26 *including fire extinguishers, or both.*

27 *(7) Require that the units meet the same regular garbage*
28 *pickup standards and all other garbage disposal regulations*
29 *applied to the unincorporated portions of the county.*

30 *(8) Require that sewage disposal systems meet the standards*
31 *applicable to unincorporated areas of the county, specifically*
32 *protecting existing ground water by taking into account soil type*
33 *and percolation capacity.*

34 *(9) Require the housing units to be arranged or placed on a*
35 *parcel in a manner that will allow access to fire protection*
36 *apparatus and other emergency vehicles.*

37 *(10) Require the owner or manager of the units to post a*
38 *notice to the occupants of the units certifying that the*
39 *requirements to provide safe drinking water have been met, any*
40 *and all permits have been acquired, and appropriate liability*

1 *insurance covering the units and the owner or manager is in*
2 *force.*

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